

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EARNEST S. HARRIS,

Plaintiff,

v.

CEBALLOS, *et al.*,

Defendants.

Case No. 1:24-cv-0389-JLT BAM (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE ACTION WITH PREJUDICE, AND DIRECTING THE CLERK OF COURT TO CLOSE THE CASE

(Doc. 10)

Earnest S. Harris is a former state prisoner proceeding *pro se* and *in forma pauperis* in this action, seeking to hold the defendants liable for violations of his rights while incarcerated at Corcoran State Prison. The magistrate judge screened the complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim. (Doc. 8 at 3-9.) The Court granted Plaintiff the opportunity to file an amended complaint to cure the pleading deficiencies identified. (*Id.* at 10.)

After Plaintiff failed to file an amended complaint or otherwise communicate with the Court, the magistrate judge recommended the Court dismiss the action. (Doc. 10.) In doing so, the magistrate judge reiterated the findings that Plaintiff failed to state a cognizable claim. (*Id.* at 3-9.) The magistrate judge also found Plaintiff failed to comply with the Court's order and failed to prosecute the action. (*Id.* at 10.) The magistrate judge considered the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986), and found

1 terminating sanctions are appropriate for Plaintiff's inaction. (*Id.* at 10-11.) Therefore, the  
2 magistrate judge recommended the Court dismiss the action for Plaintiff's failure to state a claim,  
3 failure to obey the Court's orders, and failure to prosecute. (*Id.* at 11.)

4 The Court served the Findings and Recommendations on Plaintiff and notified him that  
5 any objections were due within 14 days. (Doc. 11 at 12.) The Court advised him that the "failure  
6 to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*,  
7 quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file  
8 objections, and the time to do so has passed.

9 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
10 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations  
11 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations issued on June 3, 2025 (Doc. 10) are  
13 **ADOPTED** in full.  
14 2. This action is **DISMISSED** with prejudice, due to Plaintiff's failure to state a  
15 claim, failure to obey a court order, and failure to prosecute.  
16 3. The Clerk of Court is directed to close this case.

17 IT IS SO ORDERED.  
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19 Dated: June 23, 2025

  
JENNIFER L. THURSTON  
UNITED STATES DISTRICT JUDGE

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